

### REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1 and 38-76 are pending. Claims 1 and 38-76 are rejected. Claims 1 and 56 are amended herein. No new matter has been added. Support for the instant amendments can be found at least at page 33, lines 18-25, and page 34, lines 9-15.

### 35 U.S.C. §102(e)

The Office Action mailed January 7, 2009, hereinafter referred to as the "instant Office Action," states that Claims 1 and 38-76 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,529,950 by Lumelsky et al., hereinafter referred to as "Lumelsky." Applicants have reviewed Lumelsky and respectfully submit that the claimed embodiments as recited in Claims 1 and 38-76 are not anticipated by Lumelsky for at least the following rationale.

MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants respectfully submit that the rejection of the Claims is improper as the rejection of Claims 1 and 38-76 does not satisfy the requirements of a *prima*

*facie* case of anticipation as claim embodiments are not met by Lumelsky.

Applicants respectfully submit that Lumelsky does not teach or suggest the claimed embodiments in the manner set forth in independent Claims 1 and 56.

#### Claims 1 and 38-55

First, Applicants respectfully submit that Lumelsky does not disclose “providing said client information for locating and contacting said service provider to receive said streaming media from said service provider” (emphasis added).

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for managing a streaming media service, said method comprising:

receiving a request for a streaming media service from a client, said streaming media service comprising a media service component;

selecting a service location manager to which to provide said request from a plurality of service location managers;

selecting a service provider to which to assign said media service component from a plurality of service providers of a network, wherein said selecting said service provider is performed by said service location manager;

informing said service provider of said assignment to perform said media service component, causing said service provider to prepare to perform said streaming media service on streaming media; and

providing said client information for locating and contacting said service provider to receive said streaming media from said service provider without utilizing said service location manager.

Claims 38-55 that depend from independent Claim 1 also include these embodiments.

Applicants understand Lumelsky to disclose “a system and method for brokering multimedia resources and services to multimedia clients” (col. 1, lines 10-12). With reference to Figure 1, Applicants understand Lumelsky to disclose that all service provided from media servicers 70 are communicated to applications 11 via RMF core. For instance, Lumelsky recites that “[t]he resultant match or set of matches is returned to the application 11. A set would be returned if the negotiator could not disambiguate amongst equally weighted but different selections. Now the application with its knowledge, either alone or in conjunction with user interaction, may select a service from amongst the set. Previewing a service, to assess its quality and/or content may also be part of this overall mapping process that ultimately results in the user receiving service” (col. 4, line 62, through col. 5, line 3). Applicants understand Lumelsky to disclose that RMF system 10 provides selected media to applications 11.

Moreover, with reference to Figure 2, Lumelsky recites “[t]his basic framework provides service location transparency through a mapping of an application's service request, containing a generic service identifier, into a specific system identifier containing a complete service reference that is used by the application to access the media service. Location transparency enables the

framework to provide fault tolerance and high availability of services” (emphasis added; col. 5, lines 15-21).

In particular, Applicants respectfully submit that RMF system 10 does not provide information identifying a location of the media servers 70 to the application 11. In contrast, by disclosing that the location of the service is transparent to the application 11, Applicants respectfully submit that Lumelsky does disclose each and every element as set forth in the claims, and thus does not support a *prima facie* case of anticipation.

#### Claims 56-76

Second, Applicants respectfully submit that Lumelsky does not disclose “said service location manager for receiving said request from said portal and for selecting a service provider from said plurality of service providers and informing said service provider of said assignment to perform said service on said streaming input content to produce said streaming content and for providing said service provider with information to transfer communication from said portal to said service provider for providing said streaming content to said client from said service provider” (emphasis added).

Applicants respectfully direct the Examiner to independent Claim 56 that recites that an embodiment of the present invention is directed to (emphasis added):

A system for providing streaming content to a client device, said system comprising:  
a plurality of service location managers;  
a plurality of service providers, each service provider capable of performing a service on an item of streaming input content to produce said streaming content; and  
a portal providing a first point of contact for said client device, said portal for receiving from said client device a request for performance of said service on an item of streaming input content, said portal for selecting a service location manager to which to provide said request from said plurality of service location managers, said service location manager for receiving said request from said portal and for selecting a service provider from said plurality of service providers and informing said service provider of said assignment to perform said service on said streaming input content to produce said streaming content and for providing said service provider with information to transfer communication from said portal to said service provider for providing said streaming content to said client from said service provider.

Claims 57-76 that depend from independent Claim 56 also include these embodiments.

As presented above, Applicants understand Lumelsky to disclose “a system and method for brokering multimedia resources and services to multimedia clients” (col. 1, lines 10-12). Lumelsky recites that “there is provided a Resource Management Framework (“RMF”) that provides building blocks used to build a mapping system for negotiating multivariate application-level quality of service specifications across the offerings from one or more candidate servers. A brokering nucleus implements an iterative negotiated mapping process between user (i.e., session) requirements and systems (i.e., service, and resource) constraints” (emphasis added; col. 2, lines 6-14).

As presented above, with reference to Figure 1, Applicants understand Lumelsky to disclose that all service provided from media servers 70 are communicated to applications 11 via RMF core. For instance, Lumelsky recites that “[t]he resultant match or set of matches is returned to the application 11. A set would be returned if the negotiator could not disambiguate amongst equally weighted but different selections. Now the application with its knowledge, either alone or in conjunction with user interaction, may select a service from amongst the set. Previewing a service, to assess its quality and/or content may also be part of this overall mapping process that ultimately results in the user receiving service” (col. 4, line 62, through col. 5, line 3). Applicants understand Lumelsky to disclose that RMF system 10 provides selected media to applications 11.

With reference to Figure 2, Lumelsky recites “[t]he Negotiator 40 takes an application's request for service and passes it to the Service Mapper component 50 to locate services that match the request” (col. 6, lines 3-5) and “[t]he negotiator 40 will then apply its own installed policies to update/modify this set before it is returned to the service requester” (col. 6, lines 29-31).

In particular, Applicants respectfully submit that RMF system 10 does not provide information to a media server 70 to transfer communication from negotiator 40 to a media server 70. In contrast, by disclosing that the RMF system 10, and in particular negotiator 40, are involved in all communications between a media server

70 and application 11, Applicants respectfully submit that Lumelsky does disclose each and every element as set forth in the claims, and thus does not support a *prima facie* case of anticipation.

In summary, Applicants respectfully submit that the rejections of the Claims are improper as the rejection of Claims 1 and 38-76 does not satisfy the requirements of a *prima facie* case of anticipation as Lumelsky does not disclose “each and every element as set forth in the claim” as required.

Applicants respectfully assert that Lumelsky does not anticipate the claimed embodiments of the present invention as recited in independent Claims 1 and 56, that these claims overcome the rejection under 35 U.S.C. § 102(e), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit that Lumelsky also does not anticipate the claimed embodiments as recited in Claims 38-55 that depend from independent Claim 1 and Claims 57-76 that depend from independent Claim 56 also overcome the rejection under 35 U.S.C. § 102(e), and are in a condition for allowance as being dependent on an allowable base claim.

### CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1 and 38-76 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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